

Netherlands

Legal Environment

The media in the Netherlands remained open, accessible, and diverse in 2014, operating in one of the freest environments in the world. Freedom of expression is safeguarded under Article 7 of the constitution, although there are some provisions banning hate speech and discrimination. Nevertheless, freedom of speech usually carries more weight in court decisions. In one of the most prominent cases in 2014, prosecutors started an investigation after Dutch blog *GeenStijl* photoshopped the head of the mayor of The Hague onto a beheading victim of the extremist group Islamic State (IS). However, prosecutors later decided not to pursue the case.

The Netherlands' blasphemy law was repealed in 2013; however, libel and insulting the monarchy or police remain criminal offenses, subject to fines or jail terms. Satire that involves members of the royal family is usually permitted. However, between 2000 and 2012 there were reportedly at least 19 registered court cases and 9 convictions for insulting the monarchy.

In September 2014, two bills were introduced in parliament that sought to amend current laws and bolster the ability of journalists to protect their sources. The proposed amendments came in the wake of several rulings by the European Court of Human Rights in recent years finding the Netherlands in violation of European Convention on Human Rights regarding source protection. Under the proposed amendments, judges may still ask journalists to reveal their sources in serious criminal cases. The amendments had not passed as of the end of 2014.

Article 110 of the constitution stipulates that the government must observe the principle of transparency and requires government agencies to publish information. Under the 1991 Government Information (Public Access) Act, any person is allowed to demand information pertaining to an administrative matter. If the information is located in documents belonging to a public body or a private company conducting work for a public entity, the authorities must respond within a period of two weeks.

An independent body established by the government, the Commissariat for the Media, assesses developments in the Dutch media landscape on a yearly basis, focusing on independence, pluralism, and accessibility. The body has the authority to impose fines, revoke media licenses, and limit broadcast time.

Political Environment

Government interference in media content is rare, and the government does not restrict internet access or censor online content; however, it does monitor the medium for illegal materials, such as child pornography. In 2012, Stichting BREIN, a Dutch antipiracy organization, won a court case against the file-sharing website Pirate Bay. Subsequently, a district court in The Hague ordered internet service providers (ISPs) to block the site, and it remained blocked for most of 2013. Several ISPs appealed the decision and in January 2014, the court ruled that these providers no longer had to block the site. In April, the European Court of Justice ruled that the downloading of copyrighted materials from illegal sources for personal use is prohibited, and that the Dutch government was obligated to follow this decision.

In August 2014, the government presented to parliament "An Integrated Approach to Jihadism," which included monitoring for the online distribution of jihadist material that "encourages violence, radicalization or hatred," and taking criminal action against an alleged offender if the material is not voluntarily removed.

Authorities would also make agreements with ISPs about the blocking of such content, and would take legal action against sites that continue to spread jihadist content even after being notified. A team from the National Police would be assigned to monitor the distribution of such material online and work with the Public Prosecution Service if they find any content that might be illegal.

The intelligence agencies have been accused of “untargeted” data gathering from users of suspected extremist web forums, and thus overstepping legal boundaries; however, the government claimed that existing law allows this practice.

Journalists in the Netherlands practice a degree of self-censorship, particularly on sensitive issues such as immigration and religion. There are indications that this has increased since the 2004 murder of the controversial filmmaker Theo van Gogh by a Muslim extremist. Physical attacks and intimidation directed against journalists are rare. During an anti-IS demonstration in The Hague in August, counter-protesters attacked several journalists and damaged a camera.

Economic Environment

Newspaper ownership is highly concentrated in the Netherlands, with three companies owning more than 80 percent of paid newspapers. In 2010, the government abolished a law that prohibited ownership of more than 35 percent of the print sector; one company can now own up to 50 percent. In April 2013, the government announced plans to cut the budget for the public broadcaster, Nederlandse Publieke Omroep (NPO), and merge the 21 public broadcasting channels into 8 by 2016 under a modernization bill. Other consequences include cutting funding for cultural programs in 2017 and religious broadcasters in 2016. A wide variety of private domestic and foreign channels are available to viewers in the Netherlands and a number of diverse opinions are expressed in the media.

The internet was used by 93 percent of the population in 2014. In 2011, the parliament adopted the first “net neutrality” law in Europe and the second in the world after Chile, barring telecommunications companies from obstructing or charging users extra for certain data-intensive online services, such as Skype.